IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 22655 of 1994

Between:

1 K. Sanyasi Naidu, s/o. Late Venkata Swamy Naidu,
R/o. Vada Cheepurapalli, Paravada Mandal,
Visakhapatnam Dist.
2 Beri Kali Prasada Rao, S/o. Jaganadham,
R/o. Vada Cheepurapalli, Paravada Mandal,
Visakhapatnam Dist.

.... PETITIONERS

AND

1 Revenue Divisional Officer, Visakhapatnam Dist.
2 Mandal Revenue Officer, Padagantyada (M),
Visakhapatnam Dist.

....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue i) rule nisi calling for records leading up to leading and inclusive of AIA 15/93 on the file of the R.D.O. Visakhapatnam. ii) to issue any appropriate writ order or direction more especially in the writ of Mandamus declaring that the action of the 1st respondent herein condoning the delay of preferring the appeal No. AIA 15/93 and entertaining the said appeal filed by the M.R.O. are illegal, incompetent without jurisdiction liable to be rejected and pass.

Counsel for the Petitioner: MR.M.ADINARAYANA RAJU

Counsel for the Respondents: GP for Revenue.

The Court made the following:

ORDER:

The petitioners herein filed this Writ petition, inter alia, seeking to assail the orders of condoning the delay in filing appeal at the instance of the respondent No.2 herein under Section 7(2) of the Inams Act.

Though, several contentions are sought for, however, having regard to the fact that the delay is not much and the matter requires to be considered on merits and more so discretion has already been exercised, I do not find any warrant to interfere with the same under Article 226 of the Constitution of India. Further, this Court in the same circumstances has already dismissed the writ petition No. 22565 of 1994 dated 12.08.2004 and directed that the appeal to be disposed of on merits early.

Accordingly, this writ petition is dismissed and the respondent No.1 is directed to dispose of the appeal on merits and in accordance with law after giving due notice and opportunity to both sides.

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02-09-2004

kvrm/skmr

To

1 Revenue Divisional Officer, Visakhapatnam Dist.
2 Mandal Revenue Officer, Padagantyada (M),
Visakhapatnam Dist.

3. 2 cc to GP for Revenue, High Court Buildings,Hyd. (OUT)

4. 2 CD copies.